**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**C.W.P No. 694 of 2006 (O&M)**

**Date of decision : July 16, 2007**

**M/S Rosary Relators Private Limited,**

**.....Petitioner**

**through Mr. M.L.Sharma, Advocate**

**v.**

**State of Haryana & others,**

**.....Respondents**

**through Mr. R.S.Kundu, Sr.Addl.A.G.Haryana**
**for respondents No.1 to 4, 6 & 7.**

**Mr.Ajay Nara, Advocate,**
**for respondent No.5.**

**Mr. Sandeep Sharma, Advocate,**
**for respondents No.8 to 10.**

**Mr.Shailendra Jain, Advocate,**
**for respondents No.11 & 12.**

**CORAM : HON'BLE MR.JUSTICE P. SATHASIVAM**
**HON'BLE MR.JUSTICE RAJIVE BHALLA**

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1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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RAJIVE BHALLA,J

Prayer in the present writ petition is for the issuance of a writ, order or direction in the nature of mandamus directing the Land Acquisition Collector not to disburse compensation to respondents No.8 to 12 in lieu of the acquired land, as the petitioner has filed a petition, under Section 30 of the Land Acquisition Act, 1894 (for short herein after referred

to as "the Act"), before the Land Acquisition Collector. It is also prayed that the aforementioned officer be directed to forward the petition, filed under Section 30 of the Act, to the District Judge for apportionment of compensation.

Counsel for the petitioner contends that respondents No.8 to 12 executed an agreement to sell land, bearing Khewat No.662/451 Min, Khatoni No.687, Rect/Khasra No.1796//1/2 & 2/2, measuring 6 bigha 15 biswa 16 biswasi, situated in the revenue estate of village Wazirabad, Tehsil and District Gurgaon in favour of one Satbir Singh son of Ram Kishan. The latter entered into an agreement to sell with Trilok Chaudhary son of Daya Ram Chaudhary. The original land owners thereafter entered into a collaboration agreement with the petitioner through its Director Aruna Chaudhary. It is contended that the State of Haryana issued a notification, under Section 4 of the Act, dated 23.6.2003, followed by a notification, under Section 6 of the Act, dated 16.4.2004, which was eventually followed by an award, passed by the Collector on 10.11.2004. As respondents No.8 to 12 and Satbir had received a large sum of money for execution of the agreements to sell, and the collaboration agreement, the petitioner, in order to protect his financial interest, filed an application, before the Land Acquisition Collector, under Section 30 of the Act, praying that compensation be not disbursed to the private respondents. It is, thus, prayed that as the petitioner has filed an application, under Section 30 of the Act, a direction be issued to the Collector to forthwith forward the application to the District Judge, as the Collector has no jurisdiction to keep the matter pending.

Counsel for the State of Haryana has not denied that the

petitioner has filed an application for withholding the amount of compensation. It is contended that after the filing of the aforementioned application, the Collector sent notices to both parties but the petitioner did not appear. It is further contended that the petitioner has not appended any document with the aforementioned application.

Counsel for the private respondents, while denying the factual matrix of the case, asserts that the alleged agreements to sell were not executed in favour of the petitioner. Even otherwise, an agreement to sell does not confer any right, title or interest and, therefore, the application, filed under Section 30 of the Act, is not maintainable. In case, the petitioner has any grievance with respect to the agreements to sell, he should seek his remedy other than an application, under Section 30 of the Act.

We have heard counsel for the parties, perused the paper book, as also examined the facts.

Dehors the factual matrix that has led to the filing of the present petition, the respondents have not denied that the petitioner has filed an application, under Section 30 of the Act. Section 30 of the Act reads as follows :-

> "30. **Dispute as to apportionment.-** When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof, is payable, the Collector may refer such dispute to the decision of the Court."

A perusal of Section 30 of the Act discloses that when a Collector receives an application, raising a dispute with respect to a right to

receive compensation, he is required to proceed forthwith, in the manner, prescribed therein. A Collector cannot and should not keep such a matter pending, as delay merely breeds further litigation. We have intentionally not expressed any opinion on merits, lest it cause prejudice to either party.

Consequently, and after taking into consideration the mandate, set out in Section 30 of the Act, we dispose of the present writ petition with a direction to the Collector to decide the application, filed by the petitioner (Annexure P-1), within six weeks, from the receipt of a certified copy of this order, after affording an opportunity of hearing to both parties. Needless to say that till the Collector decides the aforementioned application, he shall not make payment of the disputed compensation to any party.

**( RAJIVE BHALLA )**
**JUDGE**

**( P. SATHASIVAM )**
**JUDGE**

**July 16, 2007.**
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